S.B.CRIMINAL MISC. BAIL APPLICATION NO.4179/2007
(Rajesh Jaju vs. State of Rajasthan)

DATE OF ORDER : September 06, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.N.K.Bohra for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor for State.
Mr.H.M.Saraswat, for the complainant.

Heard learned counsel for the petitioner and the Public Prosecutor for the State assisted by counsel for the complainant. Perused the order impugned and the statement of the prosecutrix recorded under section 164 Cr.P.C.

It appears that the prosecutrix voluntarily made statement before the Judicial Magistrate No.6, Jodhpur under section 164 Cr.P.C. that she and the petitioner were friends; she knows the petitioner for last three years; she fell in love with the petitioner and they have been often meeting, for which the parents of the prosecutrix were not agree and, therefore, she was being tortured by her parents. She requested the petitioner to take her away but the petitioner declined, therefore, she threated the petitioner and ultimately on 14.8.2007 at 1.00 in the night, she herself came on road and called the petitioner on telephone and went away with him and, thereafter married to the petitioner.

She categorically stated that there had not been any sex with her and also stated that she wishes to live with the petitioner for whole of her life.

Be that as it may, without commenting on the merit of the case, which may prejudice the case of either party at the trial, having regard to the facts and circumstances of the case, I consider it just and proper to grant anticipatory bail to the petitioner.

Accordingly, the bail application filed by the petitioner under section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner Rajesh Jaju s/o Nand Kishore in CR. No.120/2007, Police Station, Sadar Bazar, Jodhpur, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any

inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-